

DISPOSITION: On January 18, 1946, the defendants having consented thereto, a decree was entered enjoining the defendants, their agents, servants, employees, and all persons in active concert with them from introducing or delivering for introduction into interstate commerce adulterated cheese, cheese products, and any other products manufactured, produced, or prepared at the premises of the Nelson Creamery Corp.

It was ordered further that the Nelson Creamery Corp. take the necessary steps to remedy the insanitary conditions in its plant and make certain specified repairs; thoroughly clean the plant and equipment; test milk as frequently as necessary and reject all dirty milk; make the plant as nearly rodent proof as possible; clean up the pond or marsh in the vicinity of the sewer plant and render it ineffective as a breeding place for flies; store no decomposed or maggoty cheese on the premises; inspect all cheese from outside sources when received; and discard immediately any decomposed cheese.

17523. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Arthur A. Mohr (Volney Cheese Factory). Injunction granted. (Inj. No. 133.)

COMPLAINT FILED: January 4, 1946, Northern District of Iowa, against Arthur A. Mohr, trading as the Volney Cheese Factory, Volney, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 22, 1944, to the time of filing the complaint, had been shipping in interstate commerce from Volney, Iowa, cheese and cheese products which were adulterated within the meaning of Section 402 (a) (3), in that the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), in that the products had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the defendant had been warned to remedy the existing defects and his method of preparing and processing milk, cheese, and cheese products; and, in addition, that he had been warned not to ship these products so adulterated in interstate commerce, but that the warnings had been ignored and that the defendant would continue to ship adulterated cheese and cheese products unless enjoined from so doing.

The complaint prayed that a preliminary injunction be granted pending the hearing for a permanent injunction and that, upon hearing, the preliminary injunction be made permanent.

DISPOSITION: On February 8, 1946, the action having come on for hearing, the defendant was adjudged in default for failure to file any pleading whatsoever. Thereupon the court issued an order which enjoined and restrained the defendant for a period of 6 months from shipping, causing to be shipped, or introducing for shipment, in interstate commerce, cheese or any other milk products made, processed, or manufactured by the defendant at his cheese factory and plant at Volney, Iowa.

17524. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U.S. v. Clarence P. Manders (Dubuque Cheese Factory). Decree entered enjoining and restraining defendant from shipping cheese or other milk products in interstate commerce for a period of 90 days, at expiration of which time action dismissed. (Inj. No. 134.)

COMPLAINT FILED: January 10, 1946, against Clarence P. Manders, trading as the Dubuque Cheese Factory, Dubuque, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 20, 1945, to the time of filing the complaint, had been receiving, preparing and processing

milk, and preparing and processing cheese and cheese products from such milk under grossly insanitary conditions at the defendant's plant at Dubuque, Iowa; that the milk, cheese, and cheese products prepared, processed, and manufactured by the defendant consisted in whole or in part of filthy substances, and were adulterated within the meaning of Sections 402 (a) (3) and (4) of the Federal Food, Drug, and Cosmetic Act; that the adulterated products were being offered for interstate shipment at various intervals; and that various investigations had been made of the defendant's plant since on or about June 20, 1945, during which the defendant had been warned to remedy the defects in his method of operation and not to ship products so adulterated in interstate commerce, but he had failed to heed such warnings.

The complaint alleged further that the defendant would continue to ship such products in interstate commerce unless enjoined from so doing and prayed that a preliminary injunction and restraining order issue, and that after due proceedings, such order be made permanent.

DISPOSITION: On February 8, 1946, the matter came on for hearing, and a decree was entered by consent of all parties enjoining and restraining the defendant from shipping or introducing for shipment into interstate commerce any cheese or other milk products manufactured or processed by him at his plant at Dubuque, for a period of 90 days from the date of the decree, with the exception that the defendant might ship to Platteville, Wis., for storage only, cheese or other milk products so manufactured and processed by him. The cheese so shipped to Platteville, Wis., for storage, was to be reshipped to the State of Iowa only. On May 14, 1946, the court having found that the defendant had complied with the injunction decree and was at the time operating in full compliance with the law, entered an order dismissing the action.

17525. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Ehrat Cheese Co., Inc., Louis Caravetta, Charles J. Caravetta, Amerigo Caravetta, and John J. Caravetta. Decree for injunction granted. (Inj. No. 111.)

COMPLAINT FILED: On or about September 11, 1945, Northern District of Illinois, against the Ehrat Cheese Co., Inc., Chicago, Ill., and Louis Caravetta, president, Charles J. Caravetta, also known as Pasquale Caravetta, vice president, Amerigo Caravetta, secretary, and John J. Caravetta, treasurer.

NATURE OF CHARGE: That the defendants had been for several years past, and were at the time of filing the complaint, introducing and delivering for introduction into interstate commerce adulterated cheese; that the defendant corporation owned and operated the Bravo Cheese Factory at Pullman, Mich., where it received and processed raw milk into Italian types of cheese and at times into American Cheddar cheese; that the cheese was shipped from Pullman, Mich., to Chicago, Ill., where it was reshipped in interstate commerce; that the cheese so manufactured and shipped was adulterated under Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance containing insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic fragments, and nondescript dirt. The cheese was adulterated further under Section 402 (a) (4), in that it had been prepared, packed, and held under insanitary conditions whereby it had been and was being contaminated with filth, i. e., the defendants' plant at Pullman, Mich., was infested with rodents and insects; the tanks, hose pipes, vats, milk cans, and other equipment used in